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CONNECTICUT'S BROADBAND EQUITY ACCESS & DEPLOYMENT (BEAD) PROGRAM

INITIAL PROPOSAL: VOLUME 1

2024



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1. Overview

The Connecticut Department of Energy & Environmental Protection (DEEP) has drafted the following sections of the Initial Proposal, as required under the Broadband Equity, Access, and Deployment Program (BEAD). These sections serve as Volume 1 of the Initial Proposal. After receiving and reviewing comments on this document, DEEP submitted this document for consideration to the National Telecommunications and Information Association (NTIA), the administrators of BEAD and received formal approval on February 26, 2024.

To ensure that the challenge process was transparent and open to public and stakeholder scrutiny, DEEP posted drafts of the BEAD Initial Proposal Volume 1 for a 30-day public comment period prior to submission to the NTIA. Comments have been published on DEEP's website. Having received approval from NTIA, DEEP will again publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. For more information about how the Initial Proposal, as well as other documents under the BEAD program, please visit <https://portal.ct.gov/DEEP/Energy/Broadband-Deployment>.

2. Existing Broadband Funding (Requirement 3)

Below are the existing efforts funded by the federal and state government within the State of Connecticut to deploy broadband and close the digital divide, including on Tribal Lands, as documented in Connecticut’s Five-Year Broadband Action Plan.

Source	Purpose	State Subgrant Administrator	Total	Expended	Remaining
AMERICAN RESCUE PLAN ACT Administered by the U.S. Department of the Treasury					
<u>Capital Projects Fund (CPF)</u>	To fund broadband infrastructure that delivers reliable internet service that meets or exceeds symmetrical download and upload speeds of 100 megabits per second (Mbps).	DEEP	\$42,966,125	\$0 Program expenses incurred as of date of Plan submission under review and pending processing for payment	\$42,966,125
Capital Projects Fund (CPF)	To fund broadband infrastructure upgrades of (1) CEN backbone connecting 670 existing member institutions (2) Expand Access to Municipalities and Libraries not currently directly connected to CEN (3) Expand Access to Charter Schools not directly connected to CEN (4) administer a grant program to expand public Wi-Fi access in municipalities.	The Commission for Educational Technology (DAS)	\$73,966,489	\$0	\$73,966,489
State and Local Fiscal Recovery Funds (SLFRF) Program	To support the local response to and recovery from the COVID-19 public health emergency.	The State of Connecticut and Municipalities	\$29,673,781	\$2,324,266 Expended \$6,934,307 Obligated	\$22,739,474

BIPARTISAN INFRASTRUCTURE LAW Administered by the National Telecommunications and Information Administration					
Broadband Equity, Access, and Deployment Program Initial Planning Funds	<p>To support the development of a Five-Year Action Plan that identifies Connecticut's broadband access, affordability, equity, and adoption needs; build the capacity of the State's broadband office; and support local engagement with unserved, underserved, and underrepresented communities to better understand barriers to adoption.</p> <p>Please note that the \$5,000,000 in Initial Planning Funds is included in the total allocation described in the following row.</p>	DEEP	\$5,000,000	\$0 Program expenses incurred as of date of Plan submission under review and pending processing for payment	\$5,000,000
Broadband Equity, Access, and Deployment Program Total Allocation (including Initial Planning Funds)	To deploy or upgrade broadband networks to ensure that everyone has access to reliable, affordable, high-speed internet service. Once deployment goals are met, remaining funding may be used to pursue eligible access, adoption, and equity-related uses.	DEEP	\$144,180,792	\$0	\$144,180,792
Digital Equity Act Planning Grant Program	To develop a State Digital Equity Plan, including a needs assessment and stakeholder engagement strategy.	The Commission for Educational Technology (DAS)	\$736,568	\$80,729	\$655,839
Other					
Tribal Broadband Connectivity Program (TBCP) Administered by the NTIA	To be used for broadband deployment on tribal lands, as well as for telehealth, distance learning, broadband affordability, and digital inclusion.	Tribes	\$493,008	\$191,975.72* *As reported by the Mashantucket Pequot Tribal Nation Federally Administered Program	\$301,032.28
Connecting Minority Communities (CMC) Pilot Program Administered by the NTIA	For Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority-Serving Institutions (MSIs) for the purchase of broadband internet access service and eligible	n/a	\$2,864,285	n/a – Federally Administered Program	n/a – Federally Administered Program

	equipment or to hire and train information technology personnel.				
Connecticut Rural Digital Opportunity Fund (RDOF) Administered by the FCC	To bring fixed broadband and voice service to unserved homes and small businesses in rural America.	n/a	\$4,210,410	n/a – Federally Administered Program	n/a – Federally Administered Program
Emergency Connectivity Fund (ECF) Administered by the FCC	To help schools and libraries provide the tools and services their communities needed for remote learning during the COVID-19 emergency period, and to help close the Homework Gap for students who currently lack necessary internet access or the devices they need to connect to classrooms.	n/a	\$55,200,957	n/a – Federally Administered Program	n/a – Federally Administered Program

2.1 Publication date of the National Broadband Map used to identify unserved and underserved locations

The unserved and underserved locations identified in this document and its attachments are based on the February 20, 2024, publication date of the National Broadband Map. Consistent with NTIA guidance, Connecticut’s actual Challenge Process will use whichever version is most current as of the time of initiation of the Challenge Process.

3. Unserved and Underserved Locations (Requirement 5)

The BEAD Program establishes a two-tiered definition of areas that lack qualifying broadband service at or above the level of 100 megabits per second (Mbps) download and 20 Mbps upload. In accordance with this definition, for the purposes of BEAD:

- Locations without access to internet speeds at or above 25/3 are considered unserved.¹
- Locations without access to internet speeds at or above 100 Mbps/20 Mbps are considered underserved.²

The status of State or federal funding present at these locations does not impact their service status of served, unserved, or underserved. Locations with an enforceable commitment are not eligible for funding under BEAD. An enforceable commitment for the deployment of qualifying broadband to a location exists when there is a commitment to deploy qualifying broadband service to that location as defined in Footnote 52 of the BEAD Notice of Funding Opportunity.

This first volume of the State of Connecticut's BEAD Initial Proposal includes, consistent with NTIA requirements, a list of all unserved and underserved locations in the state. The data is sourced from the FCC's National Broadband Map published on February 20, 2024. The publication date of the National Broadband Map will not predate the submission of the Initial Proposal by more than 59 days.

¹ According to the BEAD NOFO, the term "unserved location" means a broadband-serviceable location that the Broadband DATA Maps show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 25 Mbps for downloads; and (ii) a speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

² According to the BEAD NOFO, the term "underserved location" means a broadband-serviceable location that is (a) not an unserved location, and (b) that the Broadband DATA Maps show as lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

Community Anchor Institutions (Requirement 6)

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), DEEP applied the definition of “community anchor institution” to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

As required, the statutory definition above was used to determine the inclusion or exclusion of community support organizations not specifically listed in 47 USC 1702(a)(2)(E):

- Whether the community support organization facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

Note that designation as a Community Anchor Institution does not imply a commitment of funding from the BEAD Program.

The following definitions and sources were used to identify community anchor institutions on State and Tribal lands:

1. **Schools:** This category includes all K-12 schools registered with the Connecticut State Department of Education as public or private schools as well as day care centers managed by the Office of Early Childhood Education and was cross-referenced with Homeland Infrastructure Foundation-Level Data, Connecticut Education Network member lists, and the NCES database.
2. **Libraries:** The list of libraries includes all libraries listed by the Connecticut State Library and a handful of non-state libraries such as the private New Haven Institute Library. This list is then cross-referenced with E-RATE and ALA listings.
3. **Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals, and other medical providers (such as nursing homes and other senior care facilities), includes all healthcare institutions licensed by the Connecticut Department of Public Health and is cross-referenced with Homeland Infrastructure Foundation-Level Data and the Centers for Medicare and Medicaid Services listings.
4. **Public safety entity:** The list includes entities such as fire houses, emergency medical service stations, and police stations, based on records maintained by Department of Emergency Services and Public Protection (CT DESPP) and based on records maintained and provided by units of local government. Included in the list of public safety entities is also the list of public safety answering points (PSAP) in the FCC PSAP registry.
5. **Institutions of higher education:** Institutions of higher education include all institutions Connecticut State Department of Education in the category “college”, including junior colleges, community colleges, etc. and is cross-referenced with Homeland Infrastructure Foundation-Level Data.
6. **Public housing organizations:** Public housing organizations include public housing agencies, HUD-assisted housing organizations, and Tribal housing organization. The data includes those listed as Public Housing

Authorities by HUD and verified with the Connecticut Department of Housing (CT DOH).

7. **Community support organizations:** DEEP has included the following organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals:
 - a. **Adult Education Providers:** Adult education centers facilitate the greater use of broadband by vulnerable populations, including low-income, unemployed, and aged individuals by providing access to digital literacy programs and technology resources, empowering individuals to acquire the necessary skills and knowledge to navigate the digital world effectively and access online opportunities for education, employment, and social engagement. The list includes organizations such as those listed in the directory of adult education providers compiled by the State Department of Education, Bureau of Health/Nutrition, and Family Services and Adult Education.
 - b. **Community Centers:** Community centers facilitate the greater use of broadband by vulnerable populations by offering a free of charge physical space for individuals to access the internet, provide digital literacy training, and create a supportive environment that encourages participation in online activities, thus bridging the digital divide and promoting digital inclusion. Community center, youth centers, and similar multi-use community entities provide cultural, educational, social and recreational activities for residents. The list includes community centers such as those identified in the 211 database maintained by United Way in partnership with the State of Connecticut.
 - c. **Connecticut Community Action Agencies:** Community Action Agencies (CAAs) facilitate the greater use of broadband by vulnerable populations, especially low-income and unemployed individuals, by providing access to critical digital resources like government assistance and job and vocational training, to address digital disparities and economic barriers. The list of CAAs includes organizations identified as the state and federally designated antipoverty agencies created by the federal Economic Opportunity Act of 1964. Connecticut's nine CAAs continually strive to address the causes and conditions of poverty. Through the identification and removal of social and economic barriers, the mobilization of community resources, advocacy, and the provision of direct services at the community level, CAAs use cost-effective and community-based processes to help limited income people and communities in all 169 cities and towns across the state.
 - d. **Correctional Facilities, Juvenile Detention Centers, and Re-Entry Organizations:** These organizations facilitate the greater use of broadband by vulnerable populations by offering educational and vocational training programs through digital platforms, enabling inmates and individuals in the re-entry process to acquire essential digital skills for successful reintegration into society and future employment opportunities. The list includes correctional facilities identified by the Connecticut State Department of Correction, juvenile detention centers, including residential services, as identified in a directory maintained by the State of Connecticut Judicial Branch, and re-entry organizations such as ex-offender halfway houses, and ex-offender re-entry programs identified in the 211 database maintained by United Way in partnership with the State of Connecticut.
 - e. **Homeless Resource Centers:** Homeless resource centers facilitate the greater use of broadband by vulnerable populations by providing access to digital services and resources, such as job search platforms and online communication tools, allowing individuals without secure housing to

connect with opportunities for employment, support, and social engagement. The list includes organizations such as shelters, resource centers, emergency shelters, drop-in centers identified in the 211 database maintained by United Way in partnership with the State of Connecticut.

- f. **Local government:** Local government buildings like town halls facilitate the greater use of broadband by vulnerable populations by serving as potential public Wi-Fi hotspots and device access points, ensuring that community members, including those without internet access at home, can connect to essential online services, information, and government resources. The list of local government facilities includes town halls and annexes and other listed public properties used to provide public services. This list is based on data managed by the Connecticut Office of Policy and Management (OPM) from towns and is cross-referenced with Homeland Infrastructure Foundation-Level Data (HIFLD).
- g. **Senior Centers:** Senior centers facilitate the greater use of broadband by vulnerable populations, specifically aged individuals, by providing digital literacy training, access to computers, and guidance in navigating the internet, empowering seniors to stay connected, access vital information, and engage in online activities to enhance their quality of life. The list of senior centers includes facilities such as those identified in the 211 database maintained by United Way in partnership with the State of Connecticut.
- h. **Workforce Development Organizations:** Workforce development organizations facilitate the greater use of broadband by vulnerable populations, particularly unemployed individuals, by offering online job search resources, skills training, and career development programs, enabling them to access employment opportunities, improve their skills, and reenter the workforce. The list includes entities such as job training centers, which have been identified through the Department of Labor's database of "American Job Training" training centers (accessed through the [American Job Center Finder](#)) and with the assistance of the Office of Workforce Strategy.

To assess the network connectivity needs of the types of eligible community anchor institutions listed above, DEEP undertook the following activities:

- **Interagency Collaboration:** DEEP held a series of interagency meetings, in partnership with the Department of Administrative Services (DAS), with various governmental departments to assess whether potential community anchor institutions have access to 1 Gbps symmetrical service. These meetings also helped identify the types of data and communication channels each agency has available. Agencies included, in no particular order, the Department for Social Services, the Department of Veterans Affairs, the Connecticut State Department of Education, the Department of Housing, the Connecticut Department of Correction, and the Department of Developmental Services.
- **Community Organization Survey:** This survey helped to identify community anchor institutions and their digital equity programs and resources, service availability, and potential eligibility for BEAD Program and Digital Equity Act funding. Approximately 300 responses have been recorded.
- **Community Roundtables:** These quarterly roundtable discussions bring together key stakeholder groups like nonprofits serving underrepresented communities and other community support organizations. DEEP provides program updates and invites stakeholders to offer feedback and insights on opportunities and obstacles to universal service. In anticipation of the Initial Proposal, DEEP utilized the Community Roundtables to help identify and assess CAIs through verbal feedback as well as the promotion of the Community Organization

Survey.

- Public Comment Period: DEEP utilized an Initial Proposal public comment process to ensure that all relevant institutions meeting the CAI criteria were included. DEEP engaged stakeholders, particularly potential community anchor institutions and the communities they serve, throughout the public comment process by conducting in-person Regional Community Forums across the nine Regional Council of Government regions in Connecticut to fostering localized discussions and identify additional anchors and types of community support organizations. Additionally, DEEP utilized its fourth quarter virtual Community Roundtable on High-Speed Internet to accommodate diverse participation and feedback. This strategy was also inclusive of social media outreach, targeted email campaigns, individualized discussions, and timely website updates, ensuring broad accessibility and encouraging active engagement from a wide spectrum of stakeholders on the categorization and identification of community anchor institutions.

DEEP considered public comments that advocated for the inclusion of houses of worship and cultural arts institutions to be classified as community anchor institutions, and decided that these proposed categories of institutions are either covered by an existing category listed above or do not match the definition for community anchor institutions, and thus will not include these categories:

- DEEP evaluated whether houses of worship should be included as a category of community anchor institutions and determined that churches, as part of their mission, do not involve activities that facilitate greater use of broadband service by vulnerable populations. Thus, while these are important institutions for our communities, they do not qualify under the existing definition of community anchor institutions. Houses of worship participating in qualifying programming would likely be covered in one of the categories listed above.
- DEEP evaluated whether cultural arts institutions should be included as a category of community anchor institutions and determined that these types of organizations, as part of their mission, do not involve activities that facilitate greater use of broadband service by vulnerable populations. Thus, while these are important institutions for our communities, they do not qualify under the existing definition of community anchor institutions. Cultural arts institutions participating in qualifying programming would likely be covered in one of the categories listed above.

4. Challenge Process (Requirement 7)

DEEP adopts the NTIA Model Challenge Process. DEEP has compiled a list of federal, state, and local enforceable commitments as documented in Requirement 3. In situations in which the funding program did not mandate specific broadband speeds for the funded network, or when there was reason to believe a provider deployed higher broadband speeds than required, DEEP will reach out to the provider to verify the deployment speeds.

Modifications to Reflect Data Not Present in the National Broadband Map

Digital Subscriber Line (DSL) Modifications:

The broadband office will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via DSL as “underserved.” This modification will better reflect the locations eligible for BEAD funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of “future-proof” broadband service. This designation cannot be challenged or rebutted by the provider.

Deduplication of Funding

DEEP will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit, and consult at least the following data sets:

- The Broadband Funding Map published by the FCC pursuant to IIJA §60105.
- Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
- State of Connecticut and local data collections of existing enforceable commitments.

DEEP, in collaboration with OPM, will make a best effort to create a list of BSLs subject to enforceable commitments based on state or local grants or loans. If necessary, DEEP and OPM will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. DEEP will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.

DEEP will review its repository of existing state and local broadband grant programs to validate the upload and download speeds of existing binding agreements to deploy broadband infrastructure. In situations in which the State of Connecticut or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, DEEP will reach out to the provider to verify the deployment speeds of the binding commitment. DEEP will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

DEEP drew on these provider agreements, along with its existing database on state and local broadband funding programs’ binding agreements, to determine the set of State of Connecticut and local enforceable commitments.

Program Name	Federal, State/Territory, or Local	Year Funded
ARPA CPF 'ConneCTed Communities Grant Program'	Federal CPF funds as allocated by the Connecticut Legislature	2021
ARPA SLFRF	Federal	2022
Tribal Broadband Connectivity Program	Federal	2023
Connecting Minority Communities Pilot Program	Federal	2023
Rural Digital Opportunity Fund	Federal	2020

Deduplication Table as of Submission to NTIA.

Challenge Process Design

Based on the NTIA BEAD Challenge Process Policy Notice, as well as DEEP's understanding of the goals of the BEAD program, the **proposed challenge process** represents a transparent, fair, expeditious and evidence-based approach.

Permissible Challenges

DEEP will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by DEEP,
- Community anchor institution BEAD eligibility determinations,
- BEAD eligibility determinations for existing broadband serviceable locations (BSLs),
- Enforceable commitments, or
- Planned service.

Permissible Challengers

During the BEAD Challenge Process, DEEP will only allow challenges from nonprofit organizations, units of local and tribal governments, and broadband service providers.

Challenge Process Overview

The challenge process conducted by DEEP will include four phases, spanning **100 calendar** days:

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, DEEP will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). DEEP will also publish locations considered served, as they may be challenged. **DEEP tentatively anticipates publishing the set of locations in early February, with a potential target date of February 1.**
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state.
 - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. **The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email.** For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, DEEP will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.
 - b. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. **DEEP tentatively anticipates starting the Challenge Phase in early March,**

with a potential target date of March 1.

3. **Rebuttal Phase:** For challenges related to location eligibility, only the challenged service provider may rebut the reclassification of a location or area with evidence. If a provider claims gigabit service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI may rebut. All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the “sustained” state. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.
 - a. **Timeline:** Providers will have 30 calendar days from notification of a challenge to provide rebuttal information to DEEP. The rebuttal period begins once the provider is notified of the challenge, and thus may occur concurrently with the challenge phase. DEEP tentatively anticipates starting the Rebuttal Phase in early to mid-April, with a potential target date of April 9.
4. **Final Determination Phase:** During the Final Determination phase, DEEP will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”
 - a. **Timeline:** Following intake of challenge rebuttals, DEEP will make a final challenge determination within 30 calendar days of the challenge rebuttal. DEEP tentatively anticipates conducting the Final Determination Phase in early to mid-May, with a potential target date of May 9.

Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, DEEP, in collaboration with the Office of Policy and Management’s Data and Policy Analytics (DAPA) unit, will review all applicable challenge and rebuttal information in detail, without bias, before deciding to sustain or reject a challenge. DEEP will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. DEEP plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. DEEP will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<ul style="list-style-type: none"> • Screenshot of provider webpage. • A service request was refused within the last 180 days (e.g., an email or letter from provider). • Lack of suitable infrastructure (e.g., no fiber on pole). • A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.³ • A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider’s standard installation charge in order to connect service at the location. 	<ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill. • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. • The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location.
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. ⁴	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system. ⁵

³ A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.

⁴ The challenge portal has to gather information on the subscription tier of the household submitting the challenge. Only locations with a subscribed-to service of 100/20 Mbps or above can challenge locations as underserved, while only locations with a service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location do not need to be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved.

⁵As described in the NOFO, a provider’s countervailing speed test should show that 80 percent of a provider’s download and upload measurements are at or above 80 percent of the required speed. See Performance Measures Order, 33 FCC Rcd at 6528, para. 51. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

L	Latency	The round-trip latency of the broadband service exceeds 100 ms. ⁶	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements. ⁷
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. ⁸	<ul style="list-style-type: none"> • Screenshot of provider webpage. • Service description provided to consumer. 	Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	Screenshot of provider webpage.	Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in 	Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the 	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).

⁶ Performance Measures Order, including provisions for providers in non-contiguous areas (§21).

⁷ Ibid.

⁸ An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022. Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.

		the deployment obligation.	location(s) at issue (see Section 6.2 above).	
P	Planned service	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.	<ul style="list-style-type: none"> • Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained. • Contracts or a similar binding agreement between the Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i>, a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024. 	Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.
N	Not part of enforceable commitment.	This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)	Declaration by service provider subject to the enforceable commitment.	
C	Location is a CAI	The location should be classified as a CAI.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity. ⁹	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
R	Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-	Evidence that the location does not fall within the definitions of	Evidence that the location falls within the definitions of CAIs set

⁹ For example, eligibility for FCC e-Rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but the Eligible Entity may rely on other reliable evidence that is verifiable by a third party.

		CAI business, or is no longer in operation. 	CAIs set by the Eligible Entity or is no longer in operation.	by the Eligible Entity or is still operational.
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Area and MDU Challenge

DEEP will administer area and MDU challenges for challenge types A, S, L, D, and T. An area challenge reverses the burden of proof for availability, speed, latency, data caps, and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge or MDU must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirement, respectively, for all (served) locations within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed above.

An area challenge is triggered if six or more broadband serviceable locations using a particular technology and a single provider within a census block group are challenged.

An MDU challenge requires challenges for one unit for MDUs having fewer than 15 units, for two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs. Here, the MDU is defined as one broadband serviceable location listed in the Fabric.¹⁰ An MDU challenge counts towards an area challenge (i.e., six successful MDU challenges in a census block group may trigger an area challenge).

Each type of challenge and each technology and provider is considered separately, i.e., an availability challenge (A) does not count towards reaching the area threshold for a speed (S) challenge. If a provider offers multiple technologies, such as DSL and fiber, each is treated separately since they are likely to have different availability and performance.

Area challenges for availability need to be rebutted in whole or by location with evidence that service is available for all BSLs within the census block group, e.g., by network diagrams that show fiber or HFC infrastructure extending to clearly identifiable geospatial information, or by subscriber information, and certification that the service installation to all BSLs within the area would be classified as a standard installation. For fixed wireless service, the challenge system will offer representative random, sample of the area in contention, but no fewer than 10, where the provider must demonstrate service availability and speed (e.g., with a mobile test unit).¹¹ For MDU challenges, the rebuttal must show that the inside wiring is reaching all units and is of sufficient quality to support the claimed level of service.

Speed Test Requirements

DEEP will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 days.

Speed tests can take five forms:

¹⁰ For example, a complex of apartment buildings may be represented by multiple BSLs in the Fabric.

¹¹ A mobile test unit is a testing apparatus that can be easily moved, which simulates the equipment and installation (antenna, antenna mast, subscriber equipment, etc.) that would be used in a typical deployment of fixed wireless access service by the provider.

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC).
2. ONT (for FTTH), or fixed wireless subscriber module.
3. A reading of the speed test available from within the residential gateway web interface.
4. A reading of the speed test found on the service provider's web page.
5. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using an Ookla speed test (preferred) or a speed test from the list of applications approved by the NTIA.

Each speed test measurement must include:

- The time and date the speed test was conducted.
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
- An agreement, using an online form provided by DEEP, that grants access to these information elements to the State of Connecticut, any contractors supporting the challenge process, and the service provider.

The IP address and the subscriber's name and street address are considered personally identifiable information (PII) and thus are not disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (i.e., the second highest (or lowest) speed) is used to trigger a speed-based (S) challenge, for either upload or download. For example, if a location claims a broadband speed of 100 Mbps/25 Mbps and the three speed tests result in download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

Speed tests may be conducted by subscribers, but speed test challenges must be gathered and submitted by units of local government, nonprofit organizations, or a broadband service provider.

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. If the household subscribes to a speed tier of between 25/3 Mbps and 100/20 Mbps and the speed test results in a speed below 25/3 Mbps, this broadband service will not be considered to determine the status of the location. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered **served**. However, even if a particular service offering is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule¹², i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps

¹² The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

(that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to be meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

Transparency Plan

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, DEEP will, upon approval from NTIA, publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge on DEEP's website: <https://portal.ct.gov/deep/energy/broadband-deployment/bead-program>. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. DEEP also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and Internet service providers. Relevant stakeholders can [sign up](#) for DEEP's broadband emails for challenge process updates and newsletters. They can also engage with DEEP by a designated email address: DEEP.Broadband@ct.gov. Providers will be notified of challenges via the Office of Policy and Management. [Internet service providers will be notified of challenges through authorized contacts as registered in the challenge portal published by DEEP's Office of Telecommunications and Broadband.](#)

Beyond actively engaging relevant stakeholders, DEEP will also post all submitted challenges and rebuttals before final challenge determinations are made, including:

- the provider, nonprofit, or unit of local government that submitted the challenge,
- the census block group containing the challenged broadband serviceable location,
- the provider being challenged,
- the type of challenge (e.g., availability or speed), and
- a summary of the challenge, including whether a provider submitted a rebuttal.

DEEP and the [Data and Policy Analytics \(DAPA\) unit](#) will not publicly post any personally identifiable information (PII) [that is linked or reasonably linkable to an identified or identifiable](#) information, including subscriber names, street addresses and customer IP addresses. To ensure all PII is protected, DEEP and DAPA will review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on the website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.

DEEP and DAPA will treat information submitted by an existing broadband service provider [or another entity](#) designated as proprietary and confidential consistent with applicable federal [or state law](#). If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under [the state's Freedom of Information Act \(C.G.A. § 1-210\)](#) or under any other applicable federal law or state statute, that information should be clearly identified as [privileged or confidential](#). The submitter must provide a convincing explanation and rationale sufficient to justify an exemption of the subject information and include a statutory reference to the relevant exemption. If DEEP and DAPA agree with the rationale for the exemption, DEEP and DAPA will ensure that the confidential information will be removed prior to public release. Otherwise, the responses will be made publicly available.

Volume 1 Public Comment

The public comment period for Connecticut's Initial Proposal Volume 1 lasted 30 days from October 17, 2023 – November 17, 2023. The document was published on DEEP's website with a clear instruction for comment

submission. At the opening of the comment period, DEEP sent a newsletter to all stakeholders notifying them of the draft and request for public comment and posted on its social media platforms indicating its release. In addition, DEEP staff made themselves available at regional community forums throughout the state for in-person discussion, as well as virtually via DEEP's three fourth-quarter roundtables on high-speed internet tailored to broadband service providers, state and local government, and community organizations.

Public comments included broad support for the state's proposed categorization of Community Anchor Institutions and its challenge process. Concerns were shared regarding the availability of funds for non-deployment projects, which are explained in greater detail and open for comment in Volume 2. Related to the challenge process, DEEP received some comments requesting that elements of the process, including eligible challengers, be modified, which would be inconsistent with federal guidelines. There were also a few comments that advocated both for and against bulk reclassifications of certain types of dwellings and technologies, which DEEP determined would cause unnecessary complexities and/or were not permissible per federal guidance. There were additional comments on content in Volume 2 and the comment process itself that DEEP will consider at the appropriate time.

DEEP carefully considers all comments and maintains its intent to follow federal guidelines while conducting a fair, transparent, and expeditious challenge process. Individual comment summaries will be included with Connecticut's Initial Proposal Volume 2 Local Coordination Tracker.